

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: 6th September 2016

Subject: Review of the Premises Licence for Worlds End, Booths Yard, Pudsey, Leeds, LS28 7AB

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Pudsey	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire police in respect of Worlds Ends, Booths Yard, Pudsey, Leeds, LS28 7AB, . The licensing authority is now under a duty to review the premises licence held by these premises.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review application by West Yorkshire Police (**Appendix A**). The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 The current premises license holder has been place since January 2014, since this period there have been two variations of DPS. Leeds City Council enforcement team have been on two licensing visits and involved with action plan meetings at the premises to address concerns at the premises.

3.0 Premises Licence

3.1 The premises licence holder is Mark Neave.

3.2 A copy of the premises licence can be found at **Appendix B** of this report. In summary, the premises licence permits the following:

Supply of alcohol on and off the premises
11:00 until 00:00 hrs Everyday

Live music and Recorded Music
11:00 until 00:00 hrs Everyday

Times when the premises will be open to the public:
11:00 until 00:00 hrs Everyday

Non Standard Timings:
Extended opening times to 02:00 on New Years Eve, New Years Day,
Christmas Eve and Good Friday.

4.0 Designated Premises Supervisor

4.1 The Designated Premises Supervisor for the premises is Paul Anthony Allan.

5.0 Location

5.1 A map which identifies the location of the premises are attached at **Appendix C**.

6.0 Main Issues

6.1 The West Yorkshire Police were alerted to the premises due to increases of calls of emergency services to the premises from mid 2014.

The West Yorkshire Police and Entertainment Licensing enforcement team have been on two licensing visits at the premises which highlighted issues at the premises, the first of which was in July 2014 issues identified during this visit were relating to access to CCTV and drug use at the premises, the second visit took place in November 2015 and again there were issues with access to CCTV and drugs use.

In December 2015, January 2016 attempts were made with the premises licence holder to make an action plans to address the issues taking place at the premises, on both occasions the premises licence holder failed to attend.

A further serious incident occurred in February 2016, yet again CCTV was an issue, it could not be accessed and was eventually overwritten and the evidence was lost.

An action plan meeting was held March 2016, it was agreed that the premises licence holder would vary the DPS, address CCTV issues and employ door staff. Unfortunately the premises licence holder failed to adhere to the agreements and the issues still remain.

The further serious incident occurred on 8th July 2016 involving what was reported to be a firearm outside the premises, to which staff at the premises failed to report to the West Yorkshire Police and the premises were unable to provide CCTV footage of the incident.

7.0 Relevant Representations/Letters of Support

7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.

8.0 Matters Relevant to the Application

8.1 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

8.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix D**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

9.0 Implications for Council Policy and Government

9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

10.0 Legal and Resource Implications

10.1 There are no resource implications in determining the review.

10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

11.0 Recommendations

11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

12.0 Background Papers

- 12.1 Guidance issued under s182 Licensing Act 2003
12.2 Leeds City Council Statement of Licensing Policy

Appendices

- Appendix A Review application
Appendix B Premises Licence
Appendix C Map of premises
Appendix D Extract from the s182 Guidance